

Procedures for the Submission, Review, and Approval of State Plan Amendments and Attachments

Background

Section [454](#) and [466](#) of the Social Security Act (the Act) set forth the requirements for a state plan and plan amendments for the child support program. As a condition for receiving federal financial participation, the state child support program must have an approved state plan describing the nature and scope of the child support enforcement program, and which meets all federal requirements. The state plan consists of the state plan preprinted pages and any related attachments and contains information necessary for the Office of Child Support Enforcement (OCSE) to determine whether a state plan can be approved. The OCSE Regional Offices have the delegated authority to approve state plans. The Commissioner of OCSE (the Commissioner) retains the authority for determining whether a state plan is not approvable (see [45 CFR 301.13\(c\)](#)).

State Preparation and Submittal of the Plan or Amendment

Amendments to the state plan are either required by federal action (e.g., publication of new or amended federal regulations or amendments to title IV-D of the Act) or state action (e.g., state legislative changes). OCSE prepares and distributes new preprinted pages for use by the state child support program. The state child support program must fill in any blanks and check the appropriate boxes on the preprinted pages, then submit them with any required attachments or supporting documents within the specified timeframe using the online state plan system. The state may upload PDF copies of required attachments or supporting documents or submit them as hyperlinks. The State Plan User Manual provides instructions for submitting state plan amendments and attachments via the system. The provision under 45 CFR 301.13(a) encourages states to consult with the OCSE Regional Office during the state plan preparation or revision process.

To assist the OCSE Regional Office in its review of the plan amendment, the state may be asked to complete the Legislative/Regulatory Analysis Checklist (LAC). The checklist helps in analyzing legislation, regulations, or procedures which have the full force and effect of law and ensuring they meet the federal requirements. The state child support program may request from the OCSE Regional Office a copy of the most recent LAC used to analyze compliance with federal requirements. Any future LACs completed by the state or the OCSE Regional Office will be uploaded to the online state plan system.

When there are state legislative, regulatory, or procedural changes, the state child support program initiates the preparation of a plan amendment by updating an existing plan page or attachment or, if appropriate, completing a new preprint page. The state must keep required attachments current and revise them when they become outdated or invalid. This includes updating the hyperlinks to attachments when changes occur to the content or the web address. The online state plan system will store the required attachment for the associated plan page and they must be amended at the same time.

The state must submit each new or amended state plan page to the Office of the State Governor for review and comment in accordance with [45 CFR 301.12](#). The state may provide the Governor with the paper version of the plan submission for the Governor's review and action. The Transmittal and Notice of Approval of State Plan Material form ([OCSE-21-U4](#)) includes a Governor's review section. The online state plan system captures this information in the Transmittal Details section. If a designee other than the Governor of the State is authorized to review a state plan submittal, a copy of the delegation of authority from the Governor to his or her designee should be on file in the OCSE Regional Office. The state should also upload a copy of the delegation to the online state plan system. By providing the name, title, and contact information of the authorizing official, the state provides an electronic signature that permits the amendment to its state plan.

Once the state receives the Governor's or designee's approval, the state should submit the state plan page or amendment, including any attachments or supporting documents, via the online state plan system and according to the instructions specified in the user manual. When the Submitter of the plan amendment lacks the authority to approve and submit the amendment, the On Behalf of section must contain the name and email address of the person who has that authority. Additionally, the state must assign a unique transmittal number for each plan amendment, formatted as such: two letter state abbreviation then four-digit year then three-digit serial number in order received during the year, using dashes in between. For example, the transmittal number for Texas's first submission for 2015 would be TX-2015-001.

System Notifications

The online state plan system will notify the Submitter and, if applicable, the "On Behalf Of" person when a plan amendment has been submitted, approved, or referred back to the state for additional information or action. Please ensure the accuracy of the name and contact information entered in these data fields.

Under [45 CFR 301.13\(e\)](#) the OCSE Regional Office has 90 days following the date on which the state submits the plan amendment via the online state plan system to determine whether the state conforms to the requirement under title IV-D of the Act and regulations. To extend the 90-day approval period, the OCSE Regional Office will request an extension through the online state plan system. The system will notify the state of the extension request and the option to approve it (see manual for additional information). If the OCSE Regional Office does not respond or request an extension within the 90-day time period, the state should consider the plan amendment approved.

Accessing the Online State Plan System

If your state uses the State Services Portal (SSP), you do not need to make any system changes to access the online state plan system located on the portal. To grant a user access to the online state plan system, the state must pass the user role (S0) in the HTTP header. If you need technical assistance, please contact the portal service desk by phone (800-258-2736) or email (ocse.gr-portal@lmco.com).

All non-portal users can access the online state plan system through the iPortal at <https://ocsp.acf.hhs.gov/osf/welcome.html>. All new users will have to register individually and manage their own credentials. The iPortal service desk will authorize users to access the online state plan system. If you need technical assistance, please contact the iPortal service desk by phone (410-277-9312) or email (IRG.Helpdesk@ssa.gov).

States must ensure that the appropriate staff members have access to the online state plan system. For assistance with questions about state plan policy or submission procedures, please contact the OCSE Regional Office.

Regional Office Review

Under [45 CFR 301.13\(c\)](#) each OCSE Regional Office exercises delegated authority to take affirmative action on each state plan and amendment on the basis of policy statements or precedents previously approved by the Commissioner. The exercise of this authority must include a careful review of state plan material, including state laws and procedures, and using the LAC, if appropriate. Where state laws or procedures are required, the state may meet the requirements through the enactment of state law, regulations (including court rules) and/or procedures which have the full force and effect of law. Each portion of the LAC must be completed and submitted with the appropriate state plan page and necessary attachments of the appropriate law, regulation, and/or procedure to the OCSE Central Office.

Additionally, the OCSE Regional Office should carefully review state submissions of statutes and regulations under attachment 3.3A of the state plan, which indicate state compliance with federal requirements. However, approval of attachment 3.3A alone does not constitute approval for purposes of compliance with federal requirements. The appropriate state plan preprint pages certifying state compliance with a particular federal requirement must be submitted and approved.

The OCSE Regional Office should review the state plan submittal as follows.

- Determine that the state plan submittal contains the language of the state plan page and that the required attachments and supporting documentation have been included.
- Determine that the required information is furnished on the state plan page.
- Examine all attachments to assure that they are properly identified and correct.
- Ensure that the state completes the Governor's Review section on the Transmittal Details.
- If appropriate, complete and upload the LAC with the citation to the new or current state law, regulations, and/or procedures which meets the requirement.
- Compare the state plan page with the content of the attachments (e.g., PDFs or hyperlinks) and supporting documentation to ensure that the information fully supports the plan requirements.
- Consult with the state child support program staff and, if applicable, refer the plan submission back to the state when additional supporting documentation (e.g., state laws, regulations, and/or procedures, including court rules) or clarification is needed.
- Contact the OCSE Division of Policy and Training when there are questions about the plan submission.

- Consult with the Regional Office of General Counsel when the plan submission includes the mandatory state laws under section [466](#) of the Act.

Approval or Disapproval

When the OCSE Regional Office approves the state plan page and attachments, the online state plan system will display the transmittal number, approval date, and effective date, as well as the OCSE Action Transmittal associated with that plan requirement. Additionally, the OCSE Regional Office should include the transmittal number, approval date, and effective date at the bottom of the first page of the attachments. The earliest effective date that can be assigned is the first day of the quarter in which all approvable material is submitted. Approvable material includes attachments, supporting documentation, and preprinted pages.

Following OCSE Regional Office approval of the submission, the online state plan system generates a notification and updates the state plan to reflect the changes. If the state does not receive this notification, please contact the OCSE Regional Office.

If a state fails to submit the required state plan material by the specified date, the OCSE Regional Office will send a recommendation of disapproval with documentation to the Commissioner of OCSE. Additionally, if a state submits material that does not conform to federal statute, the OCSE Regional Office will send a recommendation of disapproval with documentation to the Commissioner of OCSE. The OCSE Regional Office will notify the state that they are recommending disapproval of its state plan, including the rationale for such a recommendation. OCSE will follow the state plan disapproval process set forth in [45 C.F.R. 301.13](#) and [301.14](#) and OCSE [AT-97-05](#).